

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:05CV231-1-MU

JOHNNY A. FOX,)
Petitioner,)
v.)
DOUG MITCHELL,)
Respondent.)

ORDER

THIS MATTER comes before the Court upon initial review of Petitioner's Petition for
Writ of Habeas Corpus, filed June 7, 2005.

On June 9, 2005, this Court issued an Order directing Petitioner to pay the \$5.00 filing fee associated with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 or to file an application to proceed in forma pauperis. It has come to the Court's attention that Petitioner did in fact send in the \$5.00 filing fee in conjunction with his federal habeas petition. Consequently, the Court hereby vacates its June 9, 2005, Order.

After careful review of the motion and case file, the undersigned finds that the Attorney General should file an Answer detailing Petitioner's allegations and responding to each.

THEREFORE, IT IS HEREBY ORDERED that:

1. The Court's June 9, 2005, Order is **VACATED**; and
2. No later than forty (40) days from the filing of this Order, the Attorney General shall file an Answer to Petitioner's Petition for Writ of Habeas Corpus, detailing Petitioner's

allegations and responding to each.

Signed: July 7, 2005



A handwritten signature in black ink, appearing to read "Graham C. Mullen", is written over a horizontal line.

Graham C. Mullen
Chief United States District Judge

